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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff v. RYOBI TECHNOLOGIES, INC., a Delaware corporation; TECHTRONIC INDUSTRIES NORTH AMERICA, INC., a Delaware corporation; and DOES 1 – 100, Defendants.	Case No. 3:08 CV 0070 BTM CAB **NOTICE OF MOTION AND PLAINTIFF'S MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE** Date: August 8, 2008 Time: 11:00 a.m. Courtroom 15 – 5th Floor The Hon. Barry T. Moskowitz ***Oral Argument Has Been Respectfully Requested by Plaintiff***

TO ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that on August 8, 2008, at 11:00 a.m. or as soon thereafter as this matter may be heard before the Honorable Barry T. Moskowitz, Plaintiff Jens Erik Sorensen, as Trustee of Sorensen Research & Development Trust, will move and hereby does move this Court for an order granting Plaintiff's Motion for Exception to Stay to Preserve Evidence.

This motion is made on the following grounds:

1. Plaintiff believes the preservation of evidence is necessary and that delay until completion of the '184 patent reexamination creates the risk of loss of evidence;

2. Defendants are unwilling to informally agree to the relief requested.

DATED this Monday, June 09, 2008.

JENS ERIK SORENSEN, as Trustee of
SORENSEN RESEARCH AND DEVELOPMENT
TRUST, Plaintiff

/s/ Melody A. Kramer

J. Michael Kaler, Esq.
Melody A. Kramer, Esq.
Attorneys for Plaintiff

PROOF OF SERVICE

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Monday, June 09, 2008, I served the following documents:

NOTICE OF MOTION AND PLAINTIFF'S MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE

PLAINTIFF'S MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE

DECLARATION OF MELODY A. KRAMER IN SUPPORT OF PLAINTIFF'S MOTION FOR EXCEPTION TO STAY TO PRESERVE PHYSICAL EVIDENCE

PERSON(S) SERVED	**PARTY(IES) SERVED**	**METHOD OF SERVICE**
Roger G. Perkins, Esq rperkins@mpplaw.com MORRIS POLICH & PURDY LLP 501 West Broadway, Suite 500 San Diego, California 92101	Ryobi Technologies, Inc. Techtronic Industries North America, Inc.	Email - Pleadings Filed with the Court via ECF
Robert S. Mallin Brinks Hofer Gilson & Lione NBC Tower 455 N City Front Plaza Drive Suite 3600 Chicago, IL 60611 rmallin@brinkshofer.com	Ryobi Technologies, Inc. Techtronic Industries North America, Inc.	Email - Pleadings Filed with the Court via ECF

☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.

☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.

☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.

☐ (Email) I emailed a true copy of the foregoing documents to an email address represented to be the correct email address for the above noted addressee.

☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.

☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address represented to be the correct mail address for the above noted addressee.

I declare that the foregoing is true and correct, and that this declaration was executed on Monday, June 09, 2008, in San Diego, California.

/s/ Melody A. Kramer

Melody A. Kramer